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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,390	01/22/2002	Kurt Haeuslmeier	951/50738	6968

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EXAMINER

SPISICH, GEORGE D

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/051,390

Applicant(s)

HAEUSLMEIER ET AL.

Examiner

George D. Spisich

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: .

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: The "airbag system 1" as discussed in at least paragraph 12, the numeral "1" is not shown in the Figure. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the various parameters that are sensed and the operation of the airbag must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. A flow chart clearly showing the various parameters sensed and the "decision" of the controller to implement the first or second or both in the disclosed possible orders would overcome this objection.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities:

On page 5, paragraph 15, line 6, "lightweight" should be deleted and - - light in weight - - should be inserted.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 8, 9 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0 733 519 (referred to as EP '519) provided in Applicant's IDS.

EP '519 discloses an airbag system for a vehicle having sensors (104) that detect at least one of an accident-specific variable and a person-specific variable. The sensors (as seen in col. 6, lines 51-56) include an acceleration sensor, seat belt buckle switch and an out-of position sensor.

The system of EP '519 has an airbag and a deployment arrangement adapted to fill the airbag with gas when the deployment arrangement interprets an event as an

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impact against an obstacle. The deployment arrangement includes an independently deployable first chamber (32) and second chamber (30) (see Fig. 5 where the flowchart decides whether to fire only first chamber, or only second chamber, or both chambers and discloses that there is a delay between the firing of both chambers).

The first chamber (32) is capable of filling the airbag with a larger quantity of gas than the second chamber (30) and the deployment arrangement is configured to determine whether to deploy the first or second chamber first on the basis of an evaluation of the at least one accident-specific and person-specific variable (see again the flow chart in Figure 5, specifically the bottom of the chart).

As discussed in col. 7, lines 22-24, the firing of one of the chambers after the other can be separated by a delay which is determined on the basis of the severity and nature of the crash. This is done to (see col. 3, lines 38-41), to tailor the inflator to the sensed conditions and severity of the crash.

This arrangement in EP '519 would operate in the same method as is claimed in claims 9 and 12.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-7, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0 733 519 in view of Steffens, Jr. et al. (USPN 5,626,359).

EP '519 has been discussed in the previous rejection.

However, EP '519 does not disclose the sensors for vehicle speed and the body size and weight of the occupant.

Steffens, Jr. et al. disclose an airbag with plural inflation stages and the stages are controlled based on sensed accident-specific variables that include vehicle speed (504) and also crash severity. Steffens Jr. et al. also disclose person-specific variables that include detecting the proximity of the seat to the door (30) (which applicant has disclosed as a sensing of occupant body size), occupant weight (70),

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the airbag deployment arrangement of EP '519 by sensing the vehicle and person specific variables as taught by Steffens Jr. et al. so as to improve the operation of the airbag arrangement,

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Smith et al. (USPN 5,411,289), Gentry et al. (USPN 5,330,226), Faigle et al. (USPN 5,460,405).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Spisich whose telephone number is (703) 305-6495. The examiner can normally be reached on Monday to Friday 6:00-3:30 except alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-1113.

Gds *gds*
August 20, 2003

Paul N. Dickson 8/25/03
PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600